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DATE: January 28, 2008

PTO IDENTIFIER: Application Number 10/549,854-Conf. #7163
Patent Number

Inventor: Toshifumi Mihashi

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: EDWARDS ANGELL PALMER & DODGE LLP
William L. Brooks

PHONE: (202) 478-7370

Attorney Dkt. #: 80220(302735)

PAGES (Including Cover Sheet): 5

CONTENTS: Transmittal Form (1 page)
Response to Election of Species Requirement (2 pages)
Certificate of Transmission (1 page)

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PTO/SB/97 (09-04)

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Application No. (if known): 10/549,854

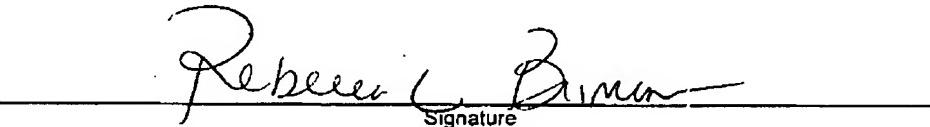
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Transmittal Form (1 page)

Response to Election of Species Requirement (2 pages)

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TRANSMITTAL
FORM

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Total Number of Pages in This Submission

Application Number	10/549,854-Conf. #7163
Filing Date	September 23, 2005
First Named Inventor	Toshifumi Mihashi
Art Unit	2873
Examiner Name	J. Dinh
Attorney Docket Number	80220(302735)

ENCLOSURES (Check all that apply)

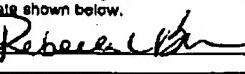
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application		Remarks
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	EDWARDS ANGELL PALMER & DODGE LLP		
Signature			
Printed name	William L. Brooks		
Date	January 28, 2008	Reg. No.	34,129

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Dated: January 28, 2008

Signature: 

(Rebecca L. Brimmer)

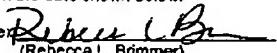
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Dated: January 28, 2008 Signature: 
(Rebecca L. Brimmer)

Docket No.: 80220(302735)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Toshifumi Mihashi

Application No.: 10/549,854

Confirmation No.: 7163

Filed: September 23, 2005

Art Unit: 2873

For: REFRACTION MEASURING INSTRUMENT

Examiner: J. Dinh

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

MS Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

In response to the election requirement, applicant hereby provisionally elects, without traverse, the "species" of the first aspect of the invention, covered by claims 1 and 2. The Examiner has indicated that claim 1 is generic, and Applicant respectfully submits that claim 2 depending therefrom is also generic.

Applicant's election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to not more than a reasonable number of species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

237383
 DC 237383.1

Application No.: 10/549,854

2

Docket No.: 80220(302735)

Dated: January 28, 2008

Respectfully submitted,

By W.L. Brooks

William L. Brooks

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DC 237383.1